

City Council Introduction: **Monday**, April 9, 2001
Public Hearing: **Monday**, April 16, 2001, at **1:30 p.m.**

Bill No. 01R-80

FACTSHEET

TITLE: **PRELIMINARY PLAT NO. 00014, NORTH CREEK TRADE CENTER**, requested by Engineering Design Consultants on behalf of North Creek L.L.C., for 10 commercial lots and 4 outlots, with associated waiver requests, on property generally located in the vicinity of Fletcher Avenue and Telluride Drive.

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATED REQUESTS: Annexation No. 00002 (01-62) and Change of Zone No. 3260 (01-63).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/13/00
Administrative Action: 12/13/00

RECOMMENDATION: Conditional approval, with amendments (9-0: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn, Hunter, Newman and Bayer voting 'yes').

FINDINGS OF FACT:

1. This preliminary plat and the associated annexation and change of zone request were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.9-11.
3. The applicant's testimony and discussion with the Commission is found on p.15-18.
4. There was no testimony in opposition.
5. The Planning Commission discussion is found on p.18-21, again with concerns about the lack of entryway guidelines and standards to impose.
6. On December 13, 2000, the Planning Commission voted 9-0 to agree with the staff recommendation of conditional approval, with the amendments as requested by the applicant (See Conditions #1.1.3, #1.1.7, #1.1.15, #1.1.17, #1.1.18 and #2.3). Also see Minutes, p.20-21.
7. On December 19, 2000, a letter reflecting the action of the Planning Commission and the amended conditions of approval was mailed to the applicant (p.2-6).
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda (p.2-4) have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 2, 2001

REVIEWED BY: _____

DATE: April 2, 2001

REFERENCE NUMBER: FS\CC\FSP00014

December 19, 2000

Engineering Design Consultants
Robert Dean
630 N. Cotner Blvd, Suite 105
Lincoln, NE 68505

Re: Preliminary Plat No. 00014
North Creek Trade Center

Dear Mr. Dean:

At its regular meeting on Wednesday, **December 13, 2000**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **North Creek Trade Center**, located in the general vicinity of **Fletcher Ave. and Telluride Dr.**, subject to the following conditions:

Site Specific:

9. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Add a general note to the plan indicating that the landscape easement along the I-80 corridor is reserved for landscape materials and approved signs.
 - 1.1.2 Replace the American Sycamore with Swamp White Oak on the landscape plan.
 - 1.1.3 ~~Revise the grading plan to~~ Retain the existing berms adjacent to the interstate. **(**Per Planning Commission, 12/13/00**)**
 - 1.1.4 Revise the reference to the underlying zoning on Outlot D to indicate the existing "R-3" zoning.
 - 1.1.5 Revise Note 18 to indicate that the existing zoning is Ag and R-3.
 - 1.1.6 Revise the street system to show a 28' median in Fletcher Avenue

- 1.1.7 Revise the street system to show one median opening in Fletcher Avenue, where the north opening to the frontage road is shown. Show the south opening as a left turn in only, at full buildout of 4 through lanes. (****Per Planning Commission, 12/13/00****)
- 1.1.8 Revise the plat to show the dedication of 25' corner triangles at all intersections and full access driveways.
- 1.1.9 Revise the paving design to the satisfaction of Public Works.
- 1.1.10 Revise the typical section on Sheet 1 to the satisfaction of Public Works.
- 1.1.11 Remove the notes pertaining to curb cuts and median access for Lot 6, Block 2 from Sheet 2. Place the information in a general note on Sheet 1.
- 1.1.12 Add a note that indicates Outlot A, North Creek 2nd Addition shall be included within the boundaries of the final plat.
- 1.1.13 Show street trees on the east boundary of Outlot D, adjacent to Telluride Drive, remove the note indicating that they had been bonded for and previously shown. Remove the note and symbol from the legend indicating the trees were previously bonded.
- 1.1.14 Provide easements requested by LES.
- 1.1.15 Revise the grading and drainage plan to clearly show cross-sections of the flood corridor easement, at critical locations to the satisfaction of the Public Works & Utilities Department. (****Per Planning Commission, 12/13/00****)
- 1.1.16 Revise note 30 to state "The flood corridor easement shown on this preliminary plat will be shown on and granted with the final plat."
- 1.1.17 Revise note 9 to require sidewalks on the business side of the private frontage road and not on Fletcher Avenue in the area within the frontage roads add "and the interior (lot) side of the private frontage roads." (****Per Planning Commission, 12/13/00****)
- ~~1.1.18 Revise the landscape plan to show the landscape screen required by the Design Standards for Zoning between the H-3 lots in Block 1 and the R-3 district to the south.~~ (****Per Planning Commission, 12/13/00****)
- 1.1.19 Revise the grading and drainage plan to address the design standard provisions concerning drainage areas exceeding 150 acres.

- 1.1.20 Revise the grading and drainage plan to show the depth of flow at the drainage area by Fletcher Avenue at the south end of the plat, and the relationship to the grading of the lots south of this plat and east of the channel.
- 1.1.21 Revise the legend and hatching used to indicate tree and brush removal to be obviously different from the hatching used to indicate wetland areas to be preserved.
- 1.1.22 Revise the legal description to reflect the correct Irregular Tract numbers.

2. The City Council approves associated request:

- 2.1 Change of Zone #3260
- 2.2 Annexation #00002
- 2.3 A modification to the requirements of the land subdivision ordinance to permit a waiver of the block length requirement; to waive sidewalks on Fletcher Avenue between the frontage road entrances ~~only one side of the private frontage roads~~; and to waive the requirement to name the frontage roads.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

- 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
- 3.2 Outlot A, North Creek 2nd Addition shall be included within the boundaries of the final plat.
- 3.3 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.3.1 To submit to the Director of Public Works an erosion control plan.
 - 3.3.2 To protect the remaining trees on the site during construction and development.
 - 3.3.3 To pay all improvement costs except those costs the City Council specifically subsidizes as follows:

- 3.3.3.1 The difference in cost between an 8" water main and 16" water main.
- 3.3.3.2 The difference in cost between an 8" sanitary sewer and a 12" sanitary sewer.
- 3.3.4 To submit to lot buyers and home builders a copy of the soil analysis.
- 3.3.5 To continuously and regularly maintain street trees and landscape screens.
- 3.3.6 To complete the private improvements shown on the preliminary plat and/or community unit plan, and/or planned unit development.
- 3.3.7 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.3.8 To relinquish the right of direct vehicular access from Lots 1-4, Block 1 and Lots 1-6, Block 2 to Fletcher Avenue, except as shown.
- 3.3.9 To perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.
- 3.3.10 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

Russell J. Bayer, Chair
City-County Planning Commission

cc: North Creek L.L.C, Robert Hampton, 6101 Village Drive, Suite 101,
Lincoln, NE 68516
Public Works - Dennis Bartels
LES
Alltel Communications Co.
Cablevision
Fire Department
Police Department
Health Department
Parks and Recreation
Urban Development
Lincoln Public Schools
County Engineers
City Clerk
File (2)

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: **North Creek Trade Center**
Annexation #00002
Change of Zone #3260
Preliminary Plat #00014

Date: November 30, 2000

****As Revised by Planning Commission, 12/13/00****

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Robert Dean, of Engineering Design Consultants, has applied for the following proposals in the vicinity of Fletcher Avenue and Telluride Drive:

- 1) Annexation #00002 of approximately 110 acres
- 2) Change of Zone #3260 from AG, Agricultural District to R-3, Residential District; from AG, Agricultural District to H-3 Highway Commercial District and H-4 General Commercial District; and from R-3, Residential District to H-4, General Commercial District and H-3 Highway Commercial District.
- 3) Preliminary Plat #00014, North Creek Trade Center, consisting of 10 commercial lots and 4 outlots.

Requested Waivers or Variations from:

- 1) Section 26.23.130 "Block size" to allow block lengths over 1,320 feet in Blocks 1 and 2;
- 2) Section 26.27.020, requiring sidewalks on both sides of private roadways;
- 3) Section 26.23.110 requiring street names on private roadways;
- 4) Design Standards for private roadways to permit a width of 25 feet instead of 27 feet

GENERAL INFORMATION:

APPLICANT: Robert Dean
Engineering Design Consultants
630 N. Cotner Blvd, Suite 105
Lincoln, NE 68505
(402) 464-4011

CONTACT: Same

LAND OWNER: North Creek L.L.C
Robert Hampton
6101 Village Drive, Suite 101
Lincoln, NE 68516

LOCATION: Fletcher Avenue and Telluride Drive

LEGAL DESCRIPTION: See Attached

EXISTING ZONING: AG, Agricultural and R-3, Residential

SIZE: 110 Acres, more or less

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING: Zoned AG, Agricultural with agricultural uses to the north; zoned H-3 Highway Commercial District to the northeast and east with commercial uses under development; zoned R-3, Residential and R-4, Residential to the southeast and south with residential uses under development; zoned B-2 Planned Local Business District with undeveloped land to the southwest.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as commercial on Figure 16 “Lincoln’s Land Use Plan” and on the “Approved Future Land Use” map of the “North 27th Street Subarea”.

HISTORY:

- The southern portion of the property was changed from A-2, residential to R-3, residential with the 1979 zoning update.
- Change of Zone #2765 changed a portion from R-3 to AG in 1993.
- The 1994 Lincoln Lancaster County Comprehensive Plan designated the future land use of the area as residential.
- The land use designation was changed from residential to industrial/employment center when the N. 27th Street Subarea Plan (Comprehensive Plan amendment #94-03) was adopted in September, 1996.
- The industrial employment center designation was changed to commercial with the Fourth Annual Review of the Comprehensive Plan in 1999.

SPECIFIC INFORMATION:

UTILITIES: Extension of water and sewer lines is addressed in the Preliminary Plat.

TOPOGRAPHY: Sloping to the south/southeast with wetlands on the central/eastern edge.

TRAFFIC ANALYSIS: The alignment for Fletcher Avenue is designated as an arterial in the 1994 Lincoln-Lancaster County Comprehensive Plan. The annexation agreement addresses the developer’s responsibilities to construct Fletcher Avenue as a two lane urban cross section, with the appropriate turn lanes and medians, within 120 feet of right of way.

ENVIRONMENTAL CONCERNS: Areas for wetlands and flood plain/stormwater drainage are shown in outlots.

AESTHETIC CONSIDERATIONS: The area abuts I-80, an entry way to the city. An entryway corridor study has been prepared for the City. The annexation agreement addresses signage and landscaping for the development.

ANALYSIS:

Project Overview

1. This is a request for annexation; changes of zone from AG, Agricultural and R-3, Residential to H-3 Highway Commercial and H-4, General Commercial; and for a preliminary plat consisting of 10 commercial lots and 4 outlots.
2. The area is designated for commercial land uses on Figure 16 “Lincoln’s Land Use Plan” and in the North 27th Street Sub Area Plan, of the amended 1994 Lincoln-Lancaster County Comprehensive Plan. The changes of zone are in general conformance with the Comprehensive Plan.

Entryway

3. The area is adjacent to Interstate 80. The City has prepared entryway design guidelines that include the section of I-80 abutting this development. However, specific recommendations for the corridor have not been adopted.
4. The developer has agreed to provide additional landscaping. Additionally, the developer has agreed to establish landscape covenants to provide a distinct character for the development with visual continuity. The landscaping and covenants incorporate native plant materials.
5. The landscape plan on the Preliminary Plat shows a 20' buffer/landscape easement. The landscape incorporates native materials and was designed to be compatible with the recommended entryway guidelines.
6. The proposed H-3 and H-4 zoning districts would allow 1 ground or pole sign per business per lot (unlimited number) or 2 signs per lot if there was only a single business. Because the area is within 660' of the Interstate, the signs could be up to 80' high. Additionally, the H-4 district would allow 1 additional sign due to the proximity of the interstate.
7. The developer has agreed, in the annexation agreement, to restrict the number of allowed signs to only 1 per lot. The sign could be either a ground sign or a pylon sign. A pylon sign is similar to a pole sign but has a base that is at least 24" wide. The maximum height allowed for a pylon sign would be 30'. Off premises signs (billboards) are not allowed. The signs would be designed of non-reflective material that is the same or similar to the building with which it is associated. The sign covenants will be an attachment to the annexation agreement.

8. The developer has provided design covenants for the buildings. The proposed covenants could be changed only with the approval of the Planning Director or City Council.
9. A note should be added to the plan to clarify that the landscape easement is to be reserved for landscape material and approved signs only.
10. The grading plan shows the removal of the natural berms that would screen a portion of the development from the interstate. The grading plan should be revised to retain the natural berms, as recommended in the entryway guidelines.

Preliminary Plat:

11. The proposed preliminary plat contains 10 commercial lots and 4 outlots. Three of the outlots are for wetland mitigation/preservation and storm water drainage. The fourth outlot is reserved for future development. That outlot will continue to be zoned R-3, Residential until a specific development proposal comes forward.
12. The developer has requested a waiver of the block length requirement for the north and south sides of Fletcher Avenue. Due to the location of the Interstate, and wetlands, staff supports this request.
13. The proposed plat shows a frontage road providing access to the lots on the north and south side of Fletcher Avenue. The frontage road provides access to Fletcher Avenue at specific points. The road will be designed as a private roadway.
14. The developer has asked for a waiver of the design standards for private roadways to allow a width of 25 feet instead of 27 feet. The applicant did not provide a justification for the waiver request.
15. The developer has asked for a waiver of the requirement to name the private roadways to avoid confusion by allowing a Fletcher Avenue address. This request is reasonable.
16. The developer has asked for a waiver of sidewalks on both sides of the frontage roads. Sidewalks will be provided along Fletcher Avenue.
17. The plans do not show the flood corridor easement required by the storm water regulation. The drainage study does not address how the design standard provisions concerning drainage areas exceeding 150 acres is being met.
18. The location of the fill to construct Fletcher Avenue at the south line of this plat constricts the natural drainage channel. The developer must provide revised information ‘ concerning the depth of flow at this location.
19. The Public Works Department requested revisions to the proposed street system and that median in Fletcher Avenue should be 28' wide.

20. The Health Department expressed concern over the potential for warehouse uses that could store hazardous chemicals less than 200 feet from property zoned R-3.
21. The Public Works Department expressed an interest in a recycling site at this location.
22. The preliminary plat contains a note on Outlot D indicating that the street trees had been bonded for and shown on the North Creek Preliminary Plat. That outlot has not been included in a final plat, so the street trees have not been bonded. The proposed preliminary plat will supercede the existing preliminary plat over that area. The plat must be revised to show the street trees.

STAFF RECOMMENDATION:

- Conditional Approval of the Annexation #00002
- Approval of Change of Zone #3260(contingent on approval of other items)
- Conditional Approval of Preliminary Plat #00014
 - Approval of the Waiver of Block Length
 - Approval of the waiver of sidewalks on the private roadway only.
 - Approval of the waiver of the requirement to name the private roads.
 - Denial of the waiver of design standards to reduce the width of the private road.

CONDITIONS PRELIMINARY PLAT:

Site Specific:

- 1 After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Add a general note to the plan indicating that the landscape easement along the I-80 corridor is reserved for landscape materials and approved signs.
 - 1.1.2 Replace the American Sycamore with Swamp White Oak on the landscape plan.
 - 1.1.3 ~~Revise the grading plan to~~ Retain the existing berms adjacent to the interstate. **(**Per Planning Commission, 12/13/00**)**
 - 1.1.4 Revise the reference to the underlying zoning on Outlot D to indicate the existing "R-3" zoning.

- 1.1.5 Revise Note 18 to indicate that the existing zoning is Ag and R-3.
- 1.1.6 Revise the street system to show a 28' median in Fletcher Avenue
- 1.1.7 Revise the street system to show one median opening in Fletcher Avenue, where the north opening to the frontage road is shown. Show the south opening as a left turn in only, at full buildout of 4 through lanes. **(**Per Planning Commission, 12/13/00**)**
- 1.1.8 Revise the plat to show the dedication of 25' corner triangles at all intersections and full access driveways.
- 1.1.9 Revise the paving design to the satisfaction of Public Works.
- 1.1.10 Revise the typical section on Sheet 1 to the satisfaction of Public Works.
- 1.1.11 Remove the notes pertaining to curb cuts and median access for Lot 6, Block 2 from Sheet 2. Place the information in a general note on Sheet 1.
- 1.1.12 Add a note that indicates Outlot A, North Creek 2nd Addition shall be included within the boundaries of the final plat.
- 1.1.13 Show street trees on the east boundary of Outlot D, adjacent to Telluride Drive, remove the note indicating that they had been bonded for and previously shown. Remove the note and symbol from the legend indicating the trees were previously bonded.
- 1.1.14 Provide easements requested by LES.
- 1.1.15 Revise the grading and drainage plan to clearly show cross-sections of the flood corridor easement, at critical locations to the satisfaction of the Public Works & Utilities Department. **(**Per Planning Commission, 12/13/00**)**
- 1.1.16 Revise note 30 to state "The flood corridor easement shown on this preliminary plat will be shown on and granted with the final plat."
- 1.1.17 Revise note 9 to require sidewalks on the business side of the private frontage road and not on Fletcher Avenue in the area within the frontage roads add "and the interior (lot) side of the private frontage roads." **(**Per Planning Commission, 12/13/00**)**

~~1.1.18 Revise the landscape plan to show the landscape screen required by the Design Standards for Zoning between the H-3 lots in Block 1 and the R-3 district to the south.~~
(Per Planning Commission, 12/13/00**)**

1.1.19 Revise the grading and drainage plan to address the design standard provisions concerning drainage areas exceeding 150 acres.

1.1.20 Revise the grading and drainage plan to show the depth of flow at the drainage area by Fletcher Avenue at the south end of the plat, and the relationship to the grading of the lots south of this plat and east of the channel.

1.1.21 Revise the legend and hatching used to indicate tree and brush removal to be obviously different from the hatching used to indicate wetland areas to be preserved.

1.1.22 Revise the legal description to reflect the correct Irregular Tract numbers.

2. The City Council approves associated request:

2.1 Change of Zone #3260

2.2 Annexation #00002

2.3 A modification to the requirements of the land subdivision ordinance to permit a waiver of the block length requirement; to waive sidewalks on Fletcher Avenue between the frontage road entrances only one side of the private frontage roads; and to waive the requirement to name the frontage roads.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

3.2 Outlot A, North Creek 2nd Addition shall be included within the boundaries of the final plat.

3.3 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

- 3.3.1 To submit to the Director of Public Works an erosion control plan.
- 3.3.2 To protect the remaining trees on the site during construction and development.
- 3.3.3 To pay all improvement costs except those costs the City Council specifically subsidizes as follows:
 - 3.3.3.1 The difference in cost between an 8" water main and 16" water main.
 - 3.3.3.2 The difference in cost between an 8" sanitary sewer and a 12" sanitary sewer.
- 3.3.4 To submit to lot buyers and home builders a copy of the soil analysis.
- 3.3.5 To continuously and regularly maintain street trees and landscape screens.
- 3.3.6 To complete the private improvements shown on the preliminary plat and/or community unit plan, and/or planned unit development.
- 3.3.7 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.3.8 To relinquish the right of direct vehicular access from Lots 1-4, Block 1 and Lots 1-6, Block 2 to Fletcher Avenue, except as shown.
- 3.3.9 To perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.
- 3.3.10 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

Prepared by:

Jennifer L. Dam, AICP
Planner

**ANNEXATION NO. 00002
and
CHANGE OF ZONE NO. 3260
and
PRELIMINARY PLAT NO. 00014,
NORTH CREEK TRADE CENTER,**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 13, 2000

Members present: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer.

Planning staff recommendation: Conditional approval of the annexation; approval of the change of zone and conditional approval of the preliminary plat.

Proponents

1. Mark Hunzeker appeared on behalf of **Hampton Development Services**, the developer of the property. This is an annexation, change of zone and preliminary plat on property which is on both sides of Fletcher Avenue west of the area currently developed as commercial along 27th Street. It abuts the interstate and the developer has spent 8-9 months working with the staff to not only clarify their responsibility with respect to construction of Fletcher, but also to come up with a set of design covenants, sign covenants and landscaping which would implement the I-80 Entryway Corridor study and present a good looking face to the public traveling along I-80 as well as accomplish the applicant's goals of developing this property.

Hunzeker requested amendments to the conditions of approval on the preliminary plat. He requested that Condition #1.1.3 be deleted, which requires the applicant to revise the grading plan to retain the existing berms adjacent to the interstate. This condition is the result of a simple misreading of the grading plan. This application does not remove any berms. In fact, they are cutting down the site on the private property side of the interstate in such a way as to effectively create a berm and reduce the visibility or building sites on the property.

Hunzeker requested to add, "at full buildout of four through lanes" to the end of Condition #1.1.7. Public Works wanted the access from Fletcher to be a left-turn in but not out. Hunzeker agrees that to be acceptable at such time as they build the four-lane facility and the medians. But he does not believe there is any need to restrict left turns out until such time as the improvements are made and Public Works is in agreement.

Hunzeker requested to amend Condition #1.1.15, "Revise the grading and drainage plan to clearly show cross-sections of the flood corridor easement, at critical locations to the satisfaction of the Public Works Department." Hunzeker believes that Public Works agrees with this amendment. This will demonstrate that they have met the design standards.

Condition #1.1.17 calls for sidewalks on the interior side of the private frontage roads. Hunzeker referred to the site plan, demonstrating that the developer is providing private frontage roads so that they do not have multiple access points along Fletcher. Fletcher will eventually be a 5-lane arterial and they recognize the concern about multiple driveways on Fletcher. They have provided frontage roads on both sides of Fletcher to provide access to the various lots. They are providing sidewalk on both sides of Fletcher. Hunzeker requested that Condition #1.1.17 be deleted because it would provide that, in addition to sidewalks along Fletcher, they will have to provide a sidewalk along the inside of the private frontage roads. Hunzeker believes that one sidewalk along Fletcher is sufficient. This is a technical requirement of the subdivision ordinance that should be waived as a practical matter so that they can use the area inside of the frontage roads for landscaping.

Condition #1.1.18 requires a landscape screen along the south side of the plat to screen the commercial uses from the residential uses to the south. Hunzeker explained that in the initial platting of North Creek a landscape screen has already been required to screen the eventual commercial use. Hunzeker requested that Condition #1.1.18 be deleted. This will be an attractive looking commercial area.

Hunzeker then submitted a proposed rendering of the buildings anticipated to be constructed.

Carlson asked the applicant to discuss what has been done to protect the entryway corridor. Hunzeker stated that the developer reviewed all of the I-80 corridor study material as it was done and also worked with Kim Todd, who is one of the consultants on that study. They asked her to design a plan for landscaping and sought her advice on signage to conform with the thrust of that entryway corridor plan. Hunzeker acknowledged that comparing word-for-word and line-by-line, you would find there are some things that are not necessarily absolutely identical to the original recommendation, but he believes the landscape plan incorporates a lot of native materials as recommended by the study—there are a lot of berms; they will be effectively screening all of the parking; they will not be completely hiding the buildings, of course, but the signage will be very limited compared to what is available under the H-3 zoning district. The zoning allows pole signs, but this development has limited both the height and the construction so that there are no signs on what are traditionally referred to as pole signs. There will be some signs coming up off the ground a ways but they will have wide bases to give them a proportion that is much different from a pole sign.

Carlson then referred to Hunzeker's request to amend Condition #1.1.15 regarding the flood corridor easement. Is it particularly difficult to delineate the entire thing or where the critical points might be? Hunzeker was not certain, but he believes the flood corridor being identified will be in the good sized drainage area. Dennis Bartels of Public Works suggested that the requirement not be modified but that they could work out a different way of showing the requirement. He does not doubt that there is sufficient open space to meet that requirement, but the subdivision ordinance requires that that corridor be identified. Bartels thought that identifying the corridor with cross-sections or any critical locations would accomplish the same thing as delineating it 100% in areas where it becomes obvious that they have met the requirement. Bartels believes the proposed amendment is a clarification and not a modification of the requirement.

With regard to the proposed amendment to Condition #1.1.7, Bartels explained that Public Works did not want left turns out of the private drive. Once the medians are there, they will be able to come in from the west and turn left into the site. The developer has guaranteed the construction of a pork-chop type median in the throat of the private roadway to prevent left turns out in the annexation agreement.

Carlson referred to sidewalks and asked whether the developer has any idea what the uses will be. In other words, he wanted to determine whether the sidewalk on Fletcher will get pedestrian movement—will there be any uses that will require movement north or south to get to the sidewalk on Fletcher? Hunzeker could not commit to the uses; however, they are anticipated to be similar uses to what you would find at the Trade Center in south Lincoln, and some that will be even less consumer oriented, somewhat more commercial oriented. They don't anticipate a lot of pedestrian traffic being generated by these uses. The developer is not opposed to putting sidewalks along Fletcher, but it is redundant to put them along the roadways as well as between the roadway and Fletcher Avenue. Hunzeker believes there will be sufficient pedestrian access.

With regard to the sidewalk question, Steward wondered why they wouldn't just replace that stretch of sidewalk along the frontage road and put it on the frontage road and not on Fletcher. Sidewalks are to serve the business front and to get from point A to point B. Hunzeker would not object to that. It would actually improve the ability to landscape the area between the street and the frontage road.

With regard to Condition #1.1.3, Steward asked whether the applicant would agree to simply removing the words, "Revise the grading plan to", and leave the rest. Condition #1.1.3 would then read, "Retain the existing berms adjacent to the interstate." Hunzeker concurred.

Steward is happy with the control of signs and design standards. He asked Hunzeker to define an "upscale development". Hunzeker's response was that this is a project where the buildings will be constructed of materials that are more expensive than what would otherwise be necessary to meet codes. They will be using brick or other permanent type materials which require little or no maintenance. They can have metal roofs as long as they are not galvanized, which are substantial upgrades from a cost perspective over a shingle type roof. They expect this to be an area that will not only start out to be an attractive area, particularly with enhanced landscaping, but also the architecture quality of the materials being used, and will stay that way for a very long time. Hunzeker believes that defining "upscale" is a question of compared to what? Steward submitted that this may be an argumentative and difficult term to define, but it is a general observation. Performance standard might be better than a quality definition. Hunzeker stated that the only thing that gives him a degree of confidence is that when he drafts the covenants he drafts them so that the owner-developer has virtually absolute control. Bob Hampton has a good idea of what an upscale development is and he can tell the buyers yes or no as to whether it meets his criteria.

Newman noted that the I-80 corridor study recommends 100' setback from the interstate. How close will the parking lots and buildings be to the interstate? Hunzeker believes the parking lots will be less than 100' from the right-of-way. He does not know that he can say what it will be precisely. Some of the lots are less than 400' deep. We get to a point where we're pretty narrow, and when you give enough room for the frontage road and separation from Fletcher to the frontage road, you

begin to make those pretty tight. Part of what they went through with the staff is the concern about access points along Fletcher, and it was decided that frontage roads would be a good way to deal with that. With a narrow strip between Fletcher and the Interstate you have to make some compromises as to where you are going to put things. One of the things that mitigates that is the way we are draining this site. There is a hill along that area that comes up from the interstate and flattens off. On our side of the property line we are cutting it back down so that our parking lots are going to be pretty well hidden. The back slopes will be landscaped with material that will grow up and provide some nice screening. This project could not meet the 100' in a lot of locations. It is not a requirement—that entryway corridor study is not an adopted study at this point. Hunzeker believes the benefits of getting the traffic off Fletcher are substantial.

Hunter noted that the developers have agreed to restrict the number of signs to one per lot, either ground or pylon sign up to 30' in height. She is extremely concerned that development along I-80 doesn't start looking like 27th Street. There could be 8 pylon signs 30' high running down this interstate. Hunzeker agreed that it is possible, but unlikely. Most uses will want to be identified by a ground sign along Fletcher. He believes there will be very few who will put a pylon sign along I-80. These uses will not be driven on pulling traffic off the interstate. Hunter does not believe there is a lot of reason to put commercial use on the interstate without getting visibility. She realizes that they are talking about a monument type sign on this application, but with all due respect, she is sure that might not happen. Hunzeker offered that these are not your typical pole type signs—they are going to be required to have a mounting base and sign face size which are proportional. If the sign is 5' wide, the mounting base is at least 24" which would allow a sign width of only 10'. The width of the sign to the width of the base is a maximum of 5-1 ratio and the base has to be a non-reflective material and either same or similar appearance as the building with which the sign is associated. Hunzeker advised that the developer spent a lot of time with staff on these conditions and he believes these conditions will make these signs very distinctive and very expensive to build. Hunter noted that there is no restriction on the flashing type sign. There needs to be some protection to guard against this look. Hunzeker does not believe the size of these signs will be such that it would be helpful to have a message board. They will not be big enough to be read from the interstate.

Steward confirmed that the pylon signs can be 100 sq. ft. Hunzeker is pretty sure that there are a lot of directional signs right up against the shoulder of the interstate that are over 100 sq. ft.

Carlson sought confirmation that the signs will be on the elevation of the buildings and not the interstate elevation. Hunzeker agreed that some of them will be. It depends on which lot it is. For the most part, they will be cutting it back down so the first 10-12 feet of those lots adjacent to the existing elevations won't even be seen. Hunzeker confirmed that the landscaping on the back side of the berm will not be lost.

There was no testimony in opposition.

Hunter wondered whether the Commission could restrict the signage to be ground signs. Jason Reynolds of Planning staff stated that there are no such restrictions in the covenants. The covenants were provided to address the sign issue and the covenants do not specify the size of pylon signs. The H-4 district allows them to be 100 sq. ft. Hunter inquired about enforcement of the covenants. Rick Peo of the City Law Department advised that covenants can be made to be

enforceable by the city but the city really does not want to be a party to them. Peo reminded the Commission that what is before them today is an annexation, change of zone and preliminary plat. There is no provision to impose any design type conditions on the use of the property in these applications. The agreements have been negotiated with staff in the annexation agreement. If the Commission is not satisfied, the choice is to deny the change of zone. The design covenants could have a provision added that the city could have the right to enforce but we don't want to mandate it.

Bayer wondered whether the building envelopes on the lots that are on the interstate side could be discussed. Peo advised that the preliminary plat does not show building envelopes. The plat is just the design of laying out lots, streets and various improvements. The Commissioners are getting into a lot more detail than the application before the Commission requires. This is not a use permit which would typically come forward with this package. Bayer asked how the Commissioners can direct what their feelings are with respect to the entryway. Peo suggested that the question is whether the change of zone is appropriate based upon what is being presented, and whether or not the property should be annexed. Obviously, they need a lot of city services to do this. There are not any adopted regulations on entryway design standards at this point in time. There is a study with recommendations, but who knows whether they will be adopted or modified? He believes the applicant has tried to work with the study recommendations to the best of their ability with the staff.

Steward inquired as to the status of the Entryway Study. Kathleen Sellman, Director of Planning, advised that at this time Ed Zimmer in the Planning Department is handling that project. There has been a file initiated and there will be an interdepartmental review and then preparation of recommended standards that will come before the Commission for discussion. The goal is to have this accomplished within 90 days.

Carlson asked staff to respond to the requested amendments to the conditions of approval. Reynolds advised that the amendment to Condition #1.1.7 is acceptable. The amendment to Condition #1.1.15 is acceptable to Public Works. With regard to Condition #1.1.17, Bartels commented that the idea of sidewalking one side of the interior frontage road (the building lot side) in lieu of Fletcher Avenue would be acceptable. In fact, that might provide better movement. There are two things to look at--circulation between the businesses and the person using it for transportation or recreation. The first half mile is all commercial or business related directly next to Fletcher and the land uses anticipated all the way to 14th are potential commercial or office zoning. Steward suggested that the other advantage would be not to force the pedestrian to cross the throat between the frontage way. Bartels added that it is anticipated that the northernmost median opening can potentially justify a signal location. Public Works had asked as the ultimate buildout occurs, that we not allow left turns out of there to avoid or make sure we never have to signalize it. We are trying to preserve capacity on 14th.

With regard to deleting of Condition #1.1.18, Reynolds confirmed that the landscaping that was done with the North Creek preliminary plat is sufficient to satisfy this application.

Reynolds also advised that if Condition #1.1.17 is amended, Condition #2.3 will also need to be amended.

Schwinn pointed out that the frontage on the lots is 250 or 300 feet and sometimes bigger, which is longer than a football field. We really don't understand how big this really is. People will not be walking from one business to the next. As far as a lane for pedestrian and bike traffic, maintaining it on Fletcher may be the better place to have it.

Hunzeker pointed out that the covenants, although not enforceable by the city, have been thoroughly reviewed by all the city staff and, pursuant to the annexation agreement, they cannot be modified without the permission of either the Planning Director or the City Council.

Peo also advised that as a condition of the annexation agreement, the city require the developer to agree to install everything according to the covenants. That agreement cannot be changed without the city's approval.

Hunzeker believes the annexation agreement runs with the land and any buyer of any lot will be bound to the same extent as the developer. It will show up in the title report to any buyer of these lots.

Hunter believes it becomes an issue between lot owners unless made a requirement of the annexation agreement.

Bayer suggested amending Condition #1.1.17 as follows: "Revise note 9 to require sidewalks on the business side of the private frontage road and not on Fletcher Avenue in the area within the frontage roads." And then Condition #2.3 should "waive sidewalks on Fletcher between the frontage road entrances."

Public hearing was closed.

PRELIMINARY PLAT NO. 00014

NORTH CREEK TRADE CENTER

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 13, 2000

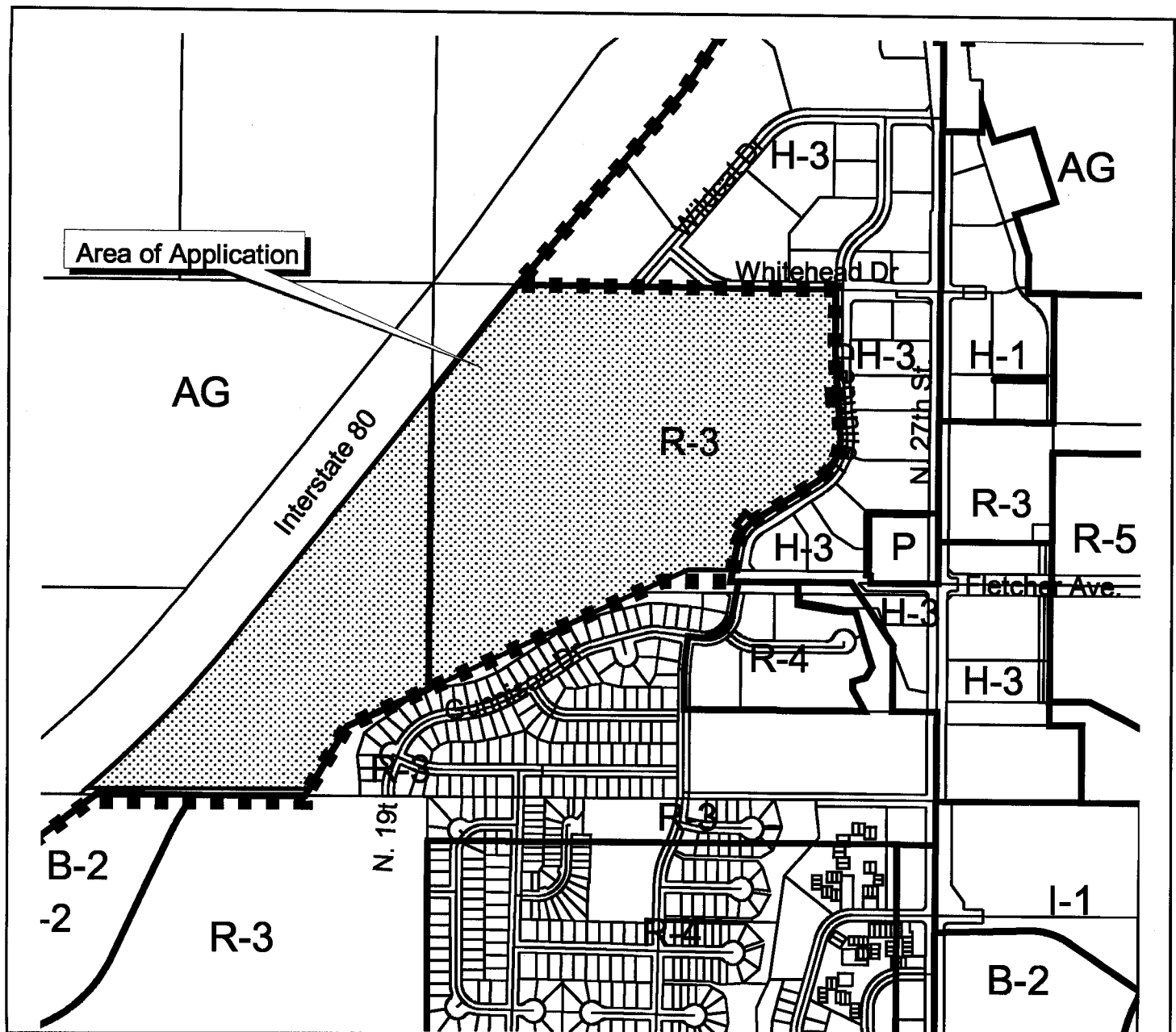
Duvall moved to approve the Planning staff recommendation of conditional approval, with the amendments requested by the applicant and as discussed during the public hearing, seconded by Taylor:

- 1.1.3 ~~Revise the grading plan to~~ Retain the existing berms adjacent to the interstate.
- 1.1.7 Revise the street system to show one median opening in Fletcher Avenue, where the north opening to the frontage road is shown. Show the south opening as a left turn in only, at full buildout of 4 through lanes.

- 1.1.15 Revise the grading and drainage plan to clearly show cross-sections of the flood corridor easement, at critical locations to the satisfaction of the Public Works & Utilities Department.
- 1.1.17 Revise note 9 to require sidewalks on the business side of the private frontage road and not on Fletcher Avenue in the area within the frontage roads add “and the interior (lot) side of the private frontage roads.”
- ~~1.1.18 Revise the landscape plan to show the landscape screen required by the Design Standards for Zoning between the H-3 lots in Block 1 and the R-3 district to the south.~~
- 2.3 A modification to the requirements of the land subdivision ordinance to permit a waiver of the block length requirement; to waive sidewalks on Fletcher Avenue between the frontage road entrances ~~only one side of the private frontage roads~~; and to waive the requirement to name the frontage roads.

Bayer urged that the entryway is very important to the Commissioners and future development along the Interstate may very well need to be after we have an entryway plan. The Commissioners do recognize the work of the staff and the developer in this application.

Motion for conditional approval, with amendments, carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting ‘yes’.



Preliminary Plat #00014 North Creek Trade Center

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

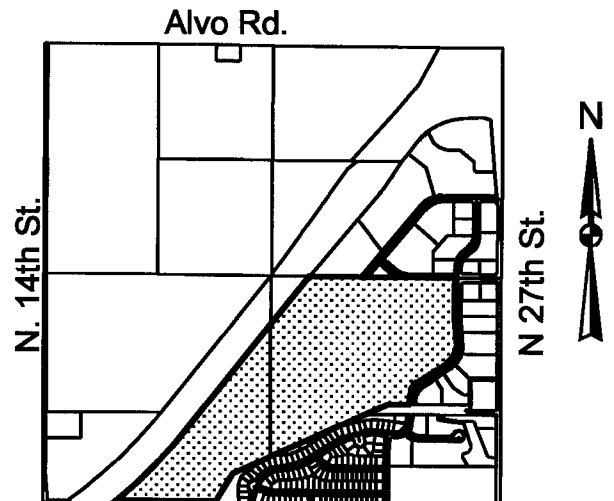
One Square Mile
Sec. 36 T11N R6E



Zoning Jurisdiction Lines



City Limit Jurisdiction



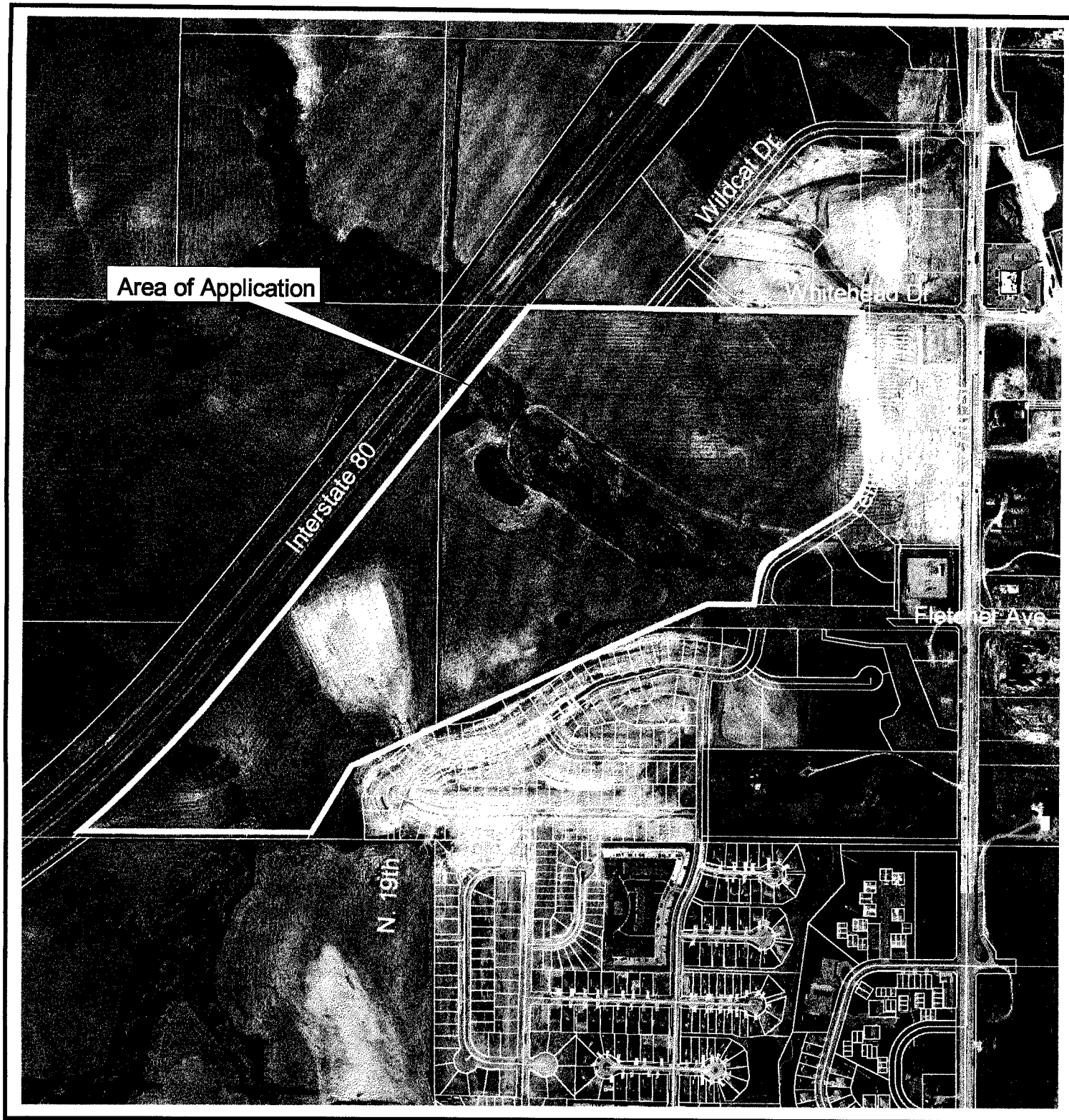
Fletcher Ave.

Sheet 5 of 8

022

Date:

Lincoln City - Lancaster County Planning Dept.



Preliminary Plat #00014
North Creek Trade Center



Sheet 6 of 8

Date: _____

Photograph Date: 1999 **023**

Lincoln City - Lancaster County Planning Dept.

003

Lincoln, Nebraska

SHEET
2 OF 6



024

768

EDC

7503, 7504

**SHEET
3 OF 6**



OUTLOT 'D'
JANET UTILITY DISCOUNT
1,024,611 ± 100 sq.ft.
37.36 acres
(AG)

STRATEGIC
METAL AND
MINING

MATCH LINE

OUT OF 'C'
(AG)

INTERSTATE 80

SCALE: 1"=100'

LEGEND

[illegible]

CITY OF LINCOLN
RECEIVED

MAY 1 1961

PLANNING DEPT.

025

8.18



July 10, 2000

Mr. Robert Dean
Engineering Design Consultants
630 N. Cotner Blvd., Ste 105
Lincoln, NE 68505

RE: Preliminary Plat #00014 North Creek Trade Center

Dear Bob:

Your preliminary plat has been reviewed by the county staff, the city staff and other agencies involved in land subdivision. The review found the plans will need revisions to bring them into compliance with the regulations. Those revisions include:

1. At the time of a pre-application conference, staff suggested that an application for a Planned Unit Development be submitted over the property to balance the proposed development with entry way corridor concerns. Such a request was not submitted. It will be difficult to justify the proposed change of zone and annexation without an associated Planned Unit Development. Restrictive covenants are not a satisfactory alternative to a Planned Unit Development.
2. A Planned Unit Development provides the best means to balance the varied issues surrounding the proposed development, given the sensitive nature of the I-80 entryway corridor, the Nebraska Department of Roads corridor protection designation along I-80, the wetlands that run throughout this property, and the traffic issues.
3. The site plan shows a 10' landscape easement and buffer along Interstate 80. The rear yard setback is 30' in the proposed H-3 zoning district, although parking is allowed in the rear yard. The I-80 Corridor Study recommends a 100 foot setback from the interstate for all parking, service and loading areas. The I-80 Corridor Study also provides recommendations for signage and landscaping.

026



4. The boundaries shown on Sheet 1 of the proposed preliminary plat do not correspond to the previously approved North Creek preliminary plat, or final plats. The boundary of the proposed plat should go to the centerline of Fletcher Ave., and must correspond with the previously preliminary platted boundary to the east and southeast.
5. The proposed preliminary plat does not specify the proposed use and circulation pattern for "Outlot D" as required by Section 26.15.015.
6. The proposed preliminary plat does not include grading and drainage information for "Outlot D."
7. The proposed preliminary plat does not include landscape information for "Outlot D."
8. Section 26.15.020(c) of the Subdivision Ordinance requires that the location, size and common name of all existing trees within and adjacent to the subdivision be shown on the Preliminary Plat. Tree mass may be shown with a list of the common name of the trees which are within the tree mass and their general grouping. The plans are required to indicate the trees that are to remain and those that are to be removed.
9. The proposed preliminary plat does not show a trail connection to the pedestrian easements in the North Creek residential development.
10. The proposed preliminary plat shows a frontage road in Lots 1-4, Block 1 and Lots 1-5, Block 2. The H-3 and H-4 zoning districts do not allow driveways in the front yard setback. This requirement can be waived through the Planned Unit Development process, but not under the base zoning that is proposed.
11. Note 6 indicates that access to Fletcher Ave. is relinquished, except as shown. However, access to Fletcher Ave. from Lot 6, Block 2, is not shown.
12. Reword note 9 to indicate that sidewalks will be built along both sides of public and private streets.
13. Revise note 11. Yard setbacks do restrict overhangs, patios, eaves, etc., except as allowed in Chapter 27.71 of the Zoning Ordinance.

14. Revise note 26 to indicate what type of easement is being granted on the outlots.
15. The proposed 16" water main in Fletcher is adequate to serve the proposed lots in this subdivision.
16. The existing and proposed sanitary sewer is adequate to serve the proposed lots in this subdivision.
17. There is a large tree mass partially within both Outlot 'C' and Lot 1, Block 2 which is shown to be removed. The approved North Creek preliminary plat preserved this tree mass. It would be desirable to adjust the boundary of Outlot 'C' and revise the grading plan to preserve these trees.
18. Tree masses should be added to the list of resources preserved by Outlots 'A', 'B', and 'C'.
19. All elevations should be shown in NAVD 1988 and a notation should be added to the Grading and Drainage Plan to indicate that this is the case. In particular, the 100-year storm elevations along the drainageways appear to be in City datum.
20. Easements for required minimum flood corridors per the revised stormwater regulations should be shown along the drainageway in Outlot 'C' and along the north side of the drainageway in Outlot 'A' (provided that they each drain at least 150 acres) per Sections 26.07.126 and 26.23.120 of the Subdivision Ordinance. Any grading or fill shown within these corridors should be revised to be shown outside of the minimum flood corridor and existing vegetation should be preserved.
21. Revisions must be made to the drainage and grading plan. The intensity and runoff columns in the drainage calculations for hte minor storms are all shown as zeros. The drainage area from north of 180 north of Lot 1 is not shown. The drainage area along the south side of the plat is not shown. Calculations for these drainage areas must be shown along with culvert calculations for these drainage beneath Fletcher and Telluride. The drainage study must also include detention calculations for this subdivision and the location and limits of this detention in accordance with subdivision ordinance standards. If the drainage areas not shown in the calculations exceed 150 acres the design standard requirements for this size of area must be met.

22. The proposed development and storm sewer system concentrates and increases the runoff to the drainage ditches and wetlands. The plan must show designs to control erosion and protect the wetlands because of the increased runoff and velocities from the storm sewers as they outlet into the wetlands.
23. The 100 year flood level shown for the drainage north of Lot 1, Block 2 is shown with its north boundary south of the storm sewer outlet. This is not feasible.
24. The Health Department noted that best management practices should be utilized to minimize storm water runoff, especially soil erosion prevention methods.
25. The Health Department noted that saline wetlands are known to be present in this area. They recommend that the wetlands be preserved, and that the policy regarding construction in the flood plain should be reviewed.
26. The Health Department noted that provisions should be made to retain as many trees as possible. They also noted that provisions need to be made for the disposal of tree waste. Permits for burning tree waste will not be approved within the City limits.
27. The Public Works Department objects to providing a median opening for one lot: Lot 6, Block 2. The frontage road systems north of Fletcher can be extended to serve this lot. A median opening to serve this lot may limit the access points for the proposed commercial property south of this plat along an extension of Fletcher.
28. A single median opening to Fletcher for the frontage roads would provide a better design for the long term capacity at Fletcher Avenue. This would provide less conflicts along Fletcher and provide a single signal location if one is warranted in the future.
29. Public Works has reviewed the traffic study and finds it basically satisfactory. Changes in the driveway volumes if the median openings are consolidated as requested.
30. Stub rights-of-way are required at the median opening for the frontage roads shown for Fletcher with no City subsidy.

31. Add a note to the plans indicating the transportation improvements that are being provided, and distinguish whose responsibility it is to pay the cost of the street improvements.
32. The Parks and Recreation Department requested verification that the proposed "bike trail" meets accessibility standards for grade (i.e., less than 5% grade, or less than 8% grade with five foot long rest areas every 30 feet.)
33. The Parks and Recreation Department requested guidelines that will assure that the area north of the bike path on the proposed private lots will not be visually unappealing, specifically that outdoor storage areas would be prohibited or screened and that dumpsters be enclosed or screened.
34. The Parks and Recreation Department noted that there should be a minimum of eight feet between the bike trail and curb along Fletcher Avenue to allow for snow removal from both facilities.
35. The Parks and Recreation Department noted that the tree planting detail should be revised to be consistent with the City of Lincoln detail.
36. The Parks and Recreation Department suggested that Scotch Pine be substituted for Austrian Pine in consideration of susceptibility to disease. They also suggested that Prairie Fire Crab or Indian Summer Crab be substituted for Snowdrift Crab due to the susceptibility to disease.
37. Provide easements requested by LES.
38. Provide a copy of the Army Corps of Engineers wetland mitigation permit and verification of the permit number referred to in Note #27.

In addition you should be aware of the following general requirements:

1. You must complete or post a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, at your own expense, in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

2. You must agree:
 - 2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - 2.2 To complete the private improvement shown on the preliminary plat.
 - 2.3 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - 2.4 To continuously and regularly maintain the street trees along the private roadways and landscape screens.
 - 2.5 To submit to the lot buyers and homebuilders a copy of the soil analysis.
 - 2.6 To pay all improvement costs.
 - 2.7 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

Your preliminary plat does not comply with the required standards. Following the review of the revised plans and your response to the issues, I will re-evaluate your request.

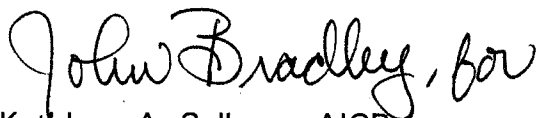
All deviations from the Land Subdivision Ordinance and the adopted Design Standards are to be set forth, reasons given for each deviation, reasons given on how the proposal meets the intent of the Land Subdivision Ordinance and why the deviation should be accepted are to be submitted with the revised preliminary plat. Refer to Section 26.15.030(d) of the Lincoln Municipal Code.

The next step in the review process requires a written response from you indicating agreement or disagreement with each of the preceding revisions and general requirements. The Plans must be submitted 5 Mondays before the Planning Commission hearing.

Please find attached reports from other departments who reviewed your plans.

The Planning Staff will gladly assist you in processing this plan and you may contact Jennifer Dam (441-6362.)

Sincerely,



Kathleen A. Sellman, AICP
Director of Planning

Attachments

cc:

Dennis Bartels, Public Works & Utilities
Lincoln Electric System
Aliant Communications
City-County Health Department
Building & Safety
Parks & Recreation
County Engineering
Fire Department
Police Department
File

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PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT
Law Firm

Gary L. Aksamit
William G. Blake
Thomas J. Fitchett
Mark A. Hunzeker
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer

1045 Lincoln Mall, Suite 200
P.O. Box 95109
Lincoln, Nebraska 68509

Fax (402) 476-7465
Telephone (402) 476-7621

May 17, 2000

Kathleen Sellman
Director of Planning
555 S. 10th Street
Lincoln, NE 68508

RE: North Creek Trade Center

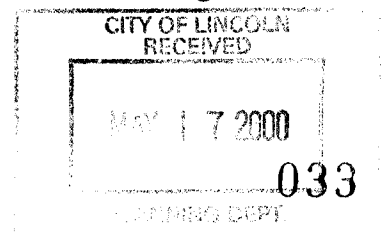
Dear Kathleen:

This letter is supplement the application for rezoning and preliminary plat of North Creek Trade Center. I know we've had numerous discussions regarding the proposed use of this property. It was designated commercial in the Comprehensive Plan, and highway commercial uses have been contemplated for the property since the Comprehensive Plan was changed to designate this property commercial rather than industrial.

On the property proposed to be zoned H-4, we envision multiple buildings, many uses of the type found within the Trade Center at 56th and Old Cheney. Some buildings will be single-tenant buildings, while others will be multi-tenant, but at this time we're not proposing a specific building configuration for parking layout to maintain flexibility, and provide for the possibility of a larger single user for that site. On the smaller lots proposed to be zoned H-3, we envision similar uses, although probably in single occupancy, owner occupied structures.

As we have mentioned to you and to your staff, we anticipate imposing restrictive covenants which will provide for developer approval of building designs, and will impose minimum requirements with respect to masonry and/or tilt-up concrete construction, and generally prohibiting metal buildings. We would also expect to restrict uses by prohibiting some of the permitted uses within the highway commercial districts, such as truck terminals, outdoor theaters, sale barns, truck stops, mobile home sales, bulk storage of petroleum products, broadcast towers, small batch concrete dispensing units, etc. Our proposed covenants will be available to your staff for review after your preliminary review of the preliminary plat and our resubmittal of the preliminary plat.

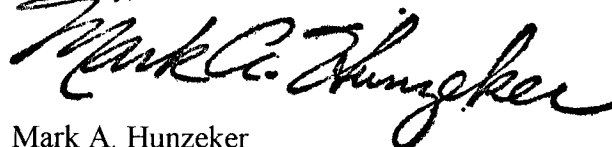
We are very excited about this project being complementary in appearance to the Centurion project which will be across the Interstate to the north. I believe we are going to be contributing to a very attractive corridor along I-80 between 14th and 27th Streets.



Kathleen Sellman, Director
May 17, 2000
Page 2

We look forward to working with you further in making this project a successful addition to Lincoln.

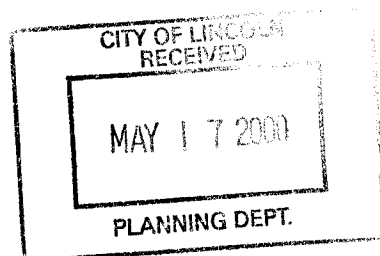
Sincerely,



Mark A. Hunzeker
For the Firm

MAH:la

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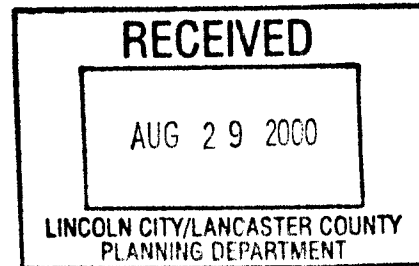




630 North Cotner Blvd., Suite 105
Lincoln, Nebraska 68505

August 29, 2000

Jennifer Dam
Lincoln-Lancaster Planning Department
555 So. 10th Street, Room 213
Lincoln, NE 68508



Re: North Creek Trade Center
Preliminary Plat #00014

Dear Jennifer:

Enclosed herewith are revised plans for the North Creek Trade Center Preliminary Plat. The revisions are in response to City and other public agency comments as outlined in the planning staff letter dated July 10, 2000. To supplement the revisions to the preliminary plat documents and to address staff concerns regarding development issues, covenants will be submitted under separate cover for city review. The following address each item listed in the July 10, 2000 letter.

1. As we have mentioned in our meetings, we have not submitted a Planned Unit Development for this project. We are sympathetic to the goals of the entryway corridor study. We are committed to assuring that this project will make a positive contribution to the I-80 corridor. To that end, we have retained Kim Todd, one of the entry corridor study consultants, to design our landscape plan to accomplish the goals of the study recommendations. We are willing to be bound to the landscape plans submitted with the preliminary plat by plat conditions, provisions in the subdivision agreement, and annexation agreement.

As you know, our reluctance to submit to the PUD process is borne of experience. The process is burdensome, and necessitates multiple amendments to accomplish minor changes. As with any project of this size, it is impossible to foresee the needs of prospective buyers in sufficient detail to avoid the amendment process. This creates uncertainty for prospective buyers which adversely affects the marketability of lots. Therefore, we are attempting to tie down the elements which are necessary to create an attractive environment along the I-80 corridor without creating additional burdens on the owner, prospective buyers, and City staff which a PUD would entail.

Jennifer Dam
Lincoln-Lancaster Planning Department

2. As mentioned above, we are aware of and sympathetic with the staff concerns raised by this paragraph. We have been in contact with the Department of Roads, which has assured us that no additional right-of-way will be needed along I-80 when it is widened to 6 lanes. We have already secured Section 404(b) permits for all the wetland impacts in this area. In fact, mitigation work required by the Corps of Engineers has already been completed. We have met several times with Dennis Bartels to address traffic issues, and we believe that this submittal reflects solutions to the traffic issues which are satisfactory to the Public Works Department.
3. In response to the concerns of City staff, HDS has retained the services of Kim Todd to prepare a Landscape Plan following the proposed entryway corridor design standards for buffering along I-80. The Landscape Plan establishes a 20' landscape easement and buffer zone. The proposed landscaping has been incorporated into the Preliminary Plat Landscape drawing. Signage will be addressed within the covenants for the site.
4. The boundary as shown does conform to the recorded Final Plats for North Creek. Please refer to North Creek Original, 1st, 2nd and 3rd Addition Final Plats.
- 5, 6, 7. Under this Preliminary Plat, Outlot "D" is to remain ²⁻³AG. There are no specific users defined for the area. As part of the future rezoning and platting for this area, at that time we will provide the required Grading, Drainage and Landscape Plans. To provide some sense of how the site might develop, we have incorporated into the Preliminary Plat a Conceptual Layout and Grading Plan. This plan is subject to change based on future rezoning and platting.
8. The Landscape Plan has been revised to indicate the location and name of existing trees/tree masses. The plans clearly reflect which trees or portions of tree masses are to be removed.
9. The plat has been revised to show trail connections to the pedestrian easements in the North Creek Residential Development.
10. The designation of the "Frontage Road" has been changed to a "Private Road" with public access easements to allow for cross access between lots. It is the intent to establish these private roadways with 25' back to back pavement and without public ROW stubs, sidewalks and street names pursuant to our meeting with city staff on July 18th. We request waivers to the design standards for private roads necessary to achieve these conditions and to allow construction in accordance with the layout shown on the preliminary plat drawings.
11. Access to Fletcher Avenue from Lot 6, Block 2 is shown and referenced on the Site Plan, Sheet 2 of 8.

Jennifer Dam
Lincoln-Lancaster Planning Department

12. We are proposing sidewalks to be built on both sides of Fletcher Avenue. We request a waiver to eliminate sidewalks along the private road.
13. Note 11 on Sheet 1 of 8, which references yard setbacks, has been revised.
14. Note 26 (renumbered 27) on Sheet 1 of 8, has been revised to reflect "Blanket Utility Easements".
15. No comment.
16. No comment.
17. The removal of the tree mass within Outlot "C" and Lot 1, Block 2 has been removed due to installation of sanitary sewer and wetlands mitigation.
18. Note #25 has been added to the general notes on Sheet 1 of 8 addressing preservation of existing trees/tree masses.
19. All topography has been shown in NAVD1988 and the 100-year flood elevations revised to that datum. The NAVD 1988 Datum has been so noted on the Grading and Drainage Plan, Sheet 4 of 8.
20. The Grading and Drainage Plan, Sheet 4 of 8, has been revised to denote the minimum flood corridor (100-year flood) and designated as a flood corridor easement. This easement shall be shown on the Final Plat. All proposed grading is outside the flood corridor boundary.
21. The intensity and runoff columns for the minor storm, which showed zeros, have been corrected. Please reference the Preliminary Plat documents and supplemental drainage study for North Creek. These documents addressed detention requirements for the entire North Creek area including the property within the North Creek Trade Center boundary. Also, that drainage study provided the design calculations for the culvert crossings at Telluride Drive and Fletcher Avenue. These culverts were designed, reviewed by city staff and constructed under an E.O. in conjunction with Telluride and Fletcher Avenue improvements. From that study, we have shown the data for the off-site drainage areas west of I-80 and south of the Trade Center.
22. We have added Note #31 to the general notes on Sheet 1 of 8 requiring design for erosion control at the storm sewer outlets to be provided in conjunction with the final design for the storm sewer system (E.O. drawings).

Jennifer Dam
Lincoln-Lancaster Planning Department

23. The 100-year flood level boundary for the drainage north of Lot 1, Block 2 has been corrected.
24. This issue is addressed in conjunction with the NPDES process for erosion control.
25. The Wetlands Delineation and required mitigation for this area was addressed with the Preliminary Plat for North Creek. A copy of the Army Corp. of Engineers Permit # NE2SBOXT2 1999-10224 is attached.
26. No comment.
27. Per our discussions with Public Works, we have provided an access easement across Lot 6, Block 2 for connection to a future access road to the south. If this road is provided the median opening will be closed. Reference note on site plan, Sheet 2 of 8.
28. We believe due to the length of the development, for internal circulation purposes and to minimize time delays for traffic exiting to Fletcher Avenue that two median openings are needed. The traffic study supports two median breaks and the spacing of the intersections exceeds 1,100' and provides adequate spacing for left turn lanes.
29. No comment.
30. As stated under Item 10 above, we request a waiver to eliminate the ROW stubs.
31. A Phasing Plan for Fletcher Avenue has been added as Sheet 8. This Phasing Plan reflects Phase I interim improvements (2 lanes with full paving across the intersection at the median breaks). We consider Phase I Improvements a developer cost. The remaining improvements would be based on future off-site traffic volumes and funded by the City.
32. Bike trail meets accessibility standards for grades. Reference note #29 of the general notes on Sheet 1 of 8 and the note on the Grading Plan, Sheet 4 of 8.
33. Reference note #32 of the general notes on Sheet 1 of 8. Further definition of screening will be covered in the covenants.
34. The Plans and typical cross-section for Fletcher Avenue have been revised to reflect an 8' separation between the bike trail and the back of curb.
35. Tree planting detail has been updated to match City of Lincoln standard detail.

Jennifer Dam
Lincoln-Lancaster Planning Department

- 36. The Landscape screening has been revised to eliminate Austrian Pine and Snowdrift Crab.
- 37. Plan has been revised to show easements requested by LES.
- 38. Copy of Army Corp. of Engineers Mitigation permit attached herewith.

If you have any questions or require additional information, contact me at your convenience. My telephone number is 464-4011.

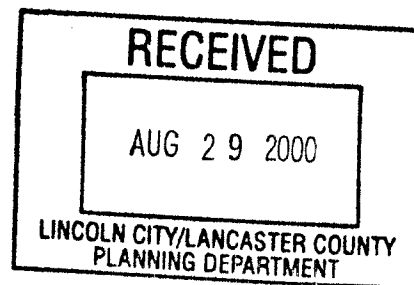
Sincerely,



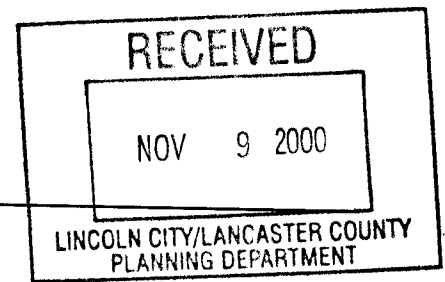
Robert L. Dean, P. E.

Enclosures

cc: Robert Hampton

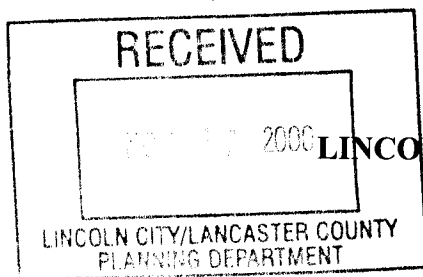


MEMORANDUM



TO: Jenifer Dam, Planning Department
FROM: Gene Hanlon, *GH* Solid Waste Operations
DATE: November 8, 2000
SUBJECT: Norht Creek Trade Center

The North Creek Trade Center development located at South of I80 and west of 27th Street is an ideal location for a recycling drop-off site. Please forward our interest in working with the developer on the feasibility of locating a recycling drop-off site as part of the development.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jennifer Dam

DATE: 11/8/2000

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Leon F. Vinci, MPH
EH File
EH Administration

SUBJECT: North Creek Trade
Center (Resub)

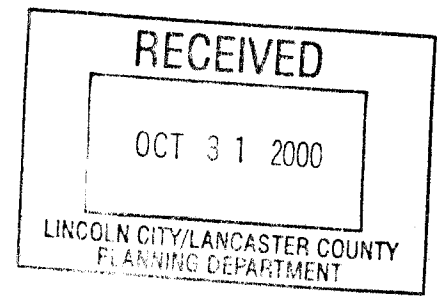
Thank you for the opportunity to provide input on this land-use plan review process.

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the resubmitted application for potential negative environmental health impacts from the proposed development. LLCHD reiterates the following points and concerns:

- According to the plot plan, H-3 zoning is located less than 200 feet from R-3 zoning and the North Creek Third Edition. Under the permitted uses for H-3 zoning, warehouses are a permitted use. LLCHD has concerns regarding the storage of hazardous chemicals in such facilities because of the potential for adverse environmental health impacts from a hazardous chemical spill, fire, or other natural disaster.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of vegetable ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

If you have any questions, please contact me at 441-6272.

M e m o r a n d u m

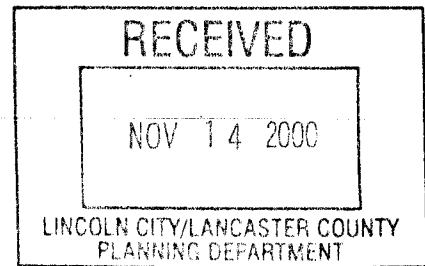


To: Jennifer Dam, Planning Department
From: Dennis Bartels, Public Works and Utilities
Subject: North Creek Trade Center Annexation Agreement
Date: October 30, 2000
cc: Allan Abbott, Roger Figard, Virendra Singh, Mark Hunzeker


Public Works requests that the North Creek Trade Center Conditional Annexation and Zoning Agreement be revised to include the following changes to Item 3.b, Street Improvements:

3. Street Improvements. Owner agrees to make certain improvements to public streets which serve the Property as follows:
 - a. (Same as draft or eliminated)
 - b. Fletcher Street as a two-lane urban section throughout the proposed Preliminary Plat under the following conditions:
 1. The northern intersection of the frontage road with Fletcher will be built as a full access intersection. The southern intersection will be built to allow left turns from Fletcher into the frontage roads with right turn out only access from the frontage road. Provisions to prevent the left turns from the frontage road shall be made with the construction of the two lane section.
 2. The owner is responsible for the total cost of constructing Fletcher Avenue to a two lane urban cross section plus the cost of required left and right turn lanes and the cost of the paving to transition from the existing paving cross section at the intersection of Fletcher and Telluride to the proposed 2 lane cross section.
 3. Left turn lanes shall be provided at all intersections where left turns are allowed. Proper thru lane and opposing left turn lane alignment must be provided at all intersections and access points where applicable. Owner shall be responsible for the total cost of the temporary and permanent paving to construct these left turn lanes.
 4. Right of way dedication to include 25' corner triangles at all intersections and full access driveways.

M e m o r a n d u m



To: Jennifer Dam, Planning Department

From:  Dennis Bartels, Public Works & Utilities

Subject: North Creek Trade Center Preliminary Plat

Date: November 14, 2000

cc: Allan Abbott, Roger Figard

Public Works has reviewed the revised plans for North Creek Trade Center and has the following comments:

1. The comments made in Public Works September 25, 2000 memo have not been addressed.
2. Public Works does not agree with the proposed temporary paving design shown on Sheet 8 of 8. The concept of using the right and left turn lanes for the tapers for through traffic lanes does not meet design requirements.

The Public Works Department agrees that the north median opening to Fletcher will be full access for left turns in the interim and full build out of Fletcher. The south opening will be left turn in only at the full build out of Fletcher. Public Works has recommended that this access be left turn in only also in the interim when only 2 lanes of Fletcher exist.

The median width for Fletcher will be required to be 28' in width. The typical section on Sheet 1 of 8 is 16' wide and scales 16' wide on Sheet 8 of 8.

M e m o r a n d u m

To: Jennifer Dam, Planning Department
From: Dennis Bartels, Public Works and Utilities
Subject: North Creek Trade Center Preliminary Plat
Date: September 25, 2000
cc: Allan Abbott, Roger Figard, Lynn Johnson, John Huff, Virendra Singh

Public Works has reviewed the proposed North Creek Trade Center Preliminary Plat located along an extension of Fletcher Avenue west of 27th Street and has the following comments:

1. Water - The proposed water system is satisfactory. The 16" water main is eligible for a subsidy on the construction cost for the cost difference between an 8" and 16" water main.
2. Sanitary Sewer - The proposed sanitary sewer system shown is satisfactory. The proposed 12" sanitary sewer is eligible for a subsidy on the construction cost for the cost difference between an 8" and 12" sewer.
3. Drainage - The drainage study does not address how the design standard provisions concerning drainage areas exceeding 150 acres are being met. Drainage Areas OS1 and OS3 are shown to exceed 150 acres. The location of the fill to construct Fletcher at the south line of this plat constricts the natural drainage channel. This plat should submit information concerning the depth of flow at this location because of this restriction and the relationship to the grading of the lots south of this plat east of the channel.
4. Street System - Public Works requests revisions to the proposed street system. The median in Fletcher Avenue needs to be built 28' wide. Public Works still recommends that one median opening be provided in Fletcher approximately midpoint between the two openings shown. Public Works will allow right turn in and out driveways in the vicinity of the frontage road intersections presently shown. Right turn lanes approaching these driveways may be appropriate if projected right turns into the lots exceed 40 vehicles in the peak hour.

Public Works does not agree with the proposed median opening shown serving Lot 6, Block 2. Until the full build out of Fletcher occurs, this access may function with full access. The intent is to provide full median access to this lot in the future with future platting and development to the south. That is the intent of the 40' access easement shown along the front of Lot 6.

Public Works agrees that this plat can be served by extending two lanes of Fletcher at this time if left turn provisions are provided for the proposed full access median opening, as well

as required right turn lanes.

The potential lot layout and street system shown in Outlot D is not reviewed and approved for detail. The generic street system and lot layout, however, appears satisfactory.

5. The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

M e m o r a n d u m

[REDACTED]

To: Jennifer Dam, Planning Department
From: ⁹¹ Dennis Bartels, Public Works & Utilities
Subject: North Creek Trade Center Waivers
Date: December 5, 2000
cc: Allan Abbott, Roger Figard

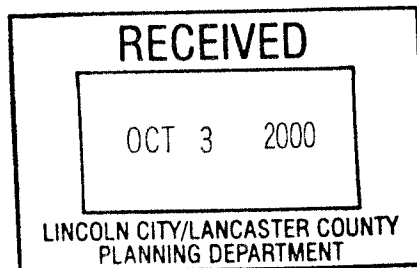
The developer has requested that the width of the frontage road be narrower than design standard requirements for private roads. No justification was provided. Public Works recommends denial because of the truck traffic and turning movements into the driveways that are anticipated.

jaj NoCreekTradeCenterWaivers ddb

M e m o r a n d u m

To: Ray Hill, Planning Department
From: *Dennis Bartels*, Public Works and Utilities
Subject: North Creek Trade Center
Date: October 2, 2000
cc: Allan Abbott, Roger Figard

Public Works has no comments concerning the landscape plan and covenants for North Creek Trade Center.



MEMORANDUM

DATE: 8-31-00

TO: Jennifer Dam

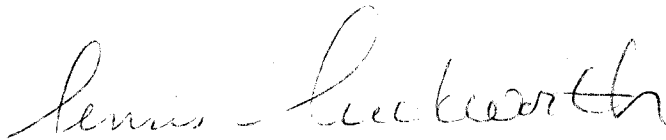
FROM: Dennis Duckworth

REG: North Creek Trade Center

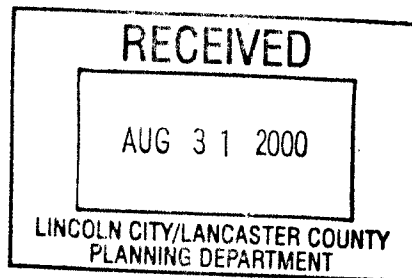
Jennifer:

The Police Department has no problem with the resubmitted North Creek Trade Center Preliminary Plat.

Thank you,



Sergeant Dennis Duckworth
Lincoln Police Department
441-7215



LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454

Memorandum

Date: September 12, 2000
To: Jennifer Dam, City Planning
From: Ed Ubben, Projects Coordinator
Subject: North Creek Trade Center, 27th & Fletcher

We have reviewed the referenced project and have no comment.

EU/cu

pc: file

interoffice
M E M O R A N D U M

to: Jennifer Dam, Planning
from: Rachel Martin, Parks and Recreation
subject: North Creek Trade Center Annex/CZ/PP
date: September 5, 2000

Parks and Recreation Department staff have reviewed the above referenced development proposal and have the following comments.

- 1) American Sycamore is susceptible to disease problems. It is suggested that Swamp White Oak (*Quercus bicolor*) be substituted.
- 2) Street trees should be depicted along the frontage of Outlot 'C' on Telluride Drive.

Please phone me at 441-7936 with any questions or comments.